

RECEIVED
CENTRAL EXAMINATION CENTER

OCT 16 2006

REMARKS

Claims 55, 68 and 81 have been canceled. Claims 52-54, 56-67, 69-80 and 82-90 are still pending in this application. Reconsideration of the application is earnestly requested.

Applicant respectfully submits that the above amendments to the specification address the Examiner's objections regarding the use of trademarks. The above changes to paragraphs in the specification are made relative to the immediate prior version, that is, it has been assumed that the amendments to the specification from Applicant's previous reply have been entered. It is further submitted that as claims 78-90 now require a computer system "embodied in a computer readable medium," that the rejection under §101 should be withdrawn.

Request for Reconsideration of Finality of Previous Office Action under MPEP 706.07 (d)

Applicant submits in no uncertain terms that the finality of the previous Office action was improper because the cited art does not disclose "process representations in a process calculus notation" as argued in the previous reply. A process calculus notation is a mathematical formula formalism for describing and analyzing properties of concurrent computation and is known to those of skill in the art. Applicant made it clear in the last reply that the reference upon which the office action relies, *Moore et al.*, is devoid of any disclosure of a process calculus notation.

There is a reference in paragraph 31 of *Moore et al.* to XML. It is also noted that the present specification at page 4, seventh full paragraph, notes that "Preferably the process calculus notation is based upon XML." Claim 64 also requires that the process calculus notation is based upon XML. But, XML does not teach or suggest a process calculus notation in the same sense that a piece of sheet metal does not teach or suggest a bucket. A piece of sheet metal may be used to build a bucket but simply by itself is not a bucket. By the same token, XML may be used as a basis for a process calculus notation, but XML itself is not a process calculus notation.

Therefore, Applicant submits that the final rejection was premature and requests that the finality of that rejection be withdrawn.

The Cited Art Distinguished

The Examiner has rejected claims 52-90 under 35 USC §103 as being unpatentable over *Moore et al.* and *Ernst*. Although the Examiner's arguments have been carefully considered, Applicant respectfully traverses these rejections as explained below.

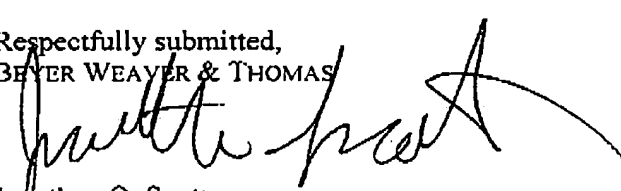
The Office Action alleges that *Moore* (in paragraphs [0030] and [0031] discloses processes in a "process calculus notation" (which Applicant denies that *Moore* discloses) and that *Ernst* provides a form of optimization feedback loop.

Claims 52, 65 and 78 all require "a process calculus notation" in a first step or first element. *Ernst* discloses no such process calculus notation. A process calculus provides a more expansive description of an executable business process because it inherently can deal with mobility and concurrency; the ability to deal with mobility is important to many business processes that manage a delegatory model in which a channel or port is passed from one process instance to another, thus enabling the recipient to do something it could not do before.

As to the allegation in the Office Action that *Moore* uses process calculus, there is no such reference in that publication. The only XML representation that is mentioned is BRML. Indeed, *Moore* discloses describing business processes using business rules, but these are in all cases first order logic and not process algebraic. They have no expression of mobility nor do they express concurrency. They do express first order logic and can be chained together, but not in a peer-process fashion. Rather, they are implemented as a specialized rule execution algorithm that is optimized for parallel threads in a process. Where the present invention differs over *Moore* is in the use of process calculus to describe processes.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,
BEYER WEAVER & THOMAS



Jonathan O. Scott
Registration No. 39,364

BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778

Telephone: (612) 252-3330
Facsimile: (612) 825-6304